

REMARKS

Claims 52 to 57 are in the application wherein, in the Office Action, claims 52, 53 and 56 stand rejected under 35 U.S.C. §102(b) as anticipated by Given, et al.; claims 54 and 55 stand rejected under 35 U.S.C. §103(a) as unpatentable over Given, et al. in view of Van Ooy; and claim 57 stand rejected under 35 U.S.C. §103(a) as unpatentable over Given, et al. in view of Ferreira, et al.

The interview accorded Applicants' attorney by the Examiner is gratefully acknowledged. At the interview, claim 52, as presented herein, was discussed principally against the disclosures contained in the Given, et al. and Van Ooy patents, the former patent showing a compression spring device 10 for operating pistons in a brake cylinder and the latter reference showing a coiled spring 10 which is wound around coils 9 of a compression spring of a shock absorber to function as roller guides facilitating movement between the coils 9 and the sheath 11 of the shock absorber. The final patent, i.e., to Ferreira, et al. shows no more than a spring-like structure made of stainless steel and otherwise has no relevance to the invention.

It was pointed out at the interview that the position taken by the Examiner in rejecting the claims in the application based upon Given, et al. is not well taken because, notwithstanding an incidental structural similarity between the work holder device of the claimed invention and the compression spring 10 of Given, et al., there is no disclosure contained in the reference which would lead one to use the compression spring structure of the reference as a work holder. Consequently, it is submitted that the test for anticipation enunciated by the Federal Circuit Court in Bristol-Meyers

U.S. Patent Application Serial No. **09/883,232**
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Squibb Co. v. Ben Venue Laboratories, Inc., 246 F.3D 1368, 58 USPQ 2d 1508 (Fed Cir. 2001); i.e., that to anticipate, the reference must enable one of skill in the art to make and use the claimed invention, is not satisfied. Certainly, no suggestion can be derived from Given, et al. for work to be surface treated within a coiled structure such as that of the instant claims which enables exposure of the contained work to a surface treating medium generated from outside the work holder.

For these reasons, it is submitted that claim 52, which specifically recites the foregoing features of the invention, is clearly patentable over Given, et al. and should be allowed.

Moreover, claims 53 to 57, which each depend from claim 52, are also submitted as being patentable for the same reasons given for the patentability of claim 52 particularly since there is nothing contained in either of the Van Ooy or Ferreira, et al. references that cure the described defects in Given, et al. as an anticipation of the claimed invention.

In view of the aforementioned amendments and accompanying remarks, claims 52 to 57, as amended, are now in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,
HANSON & BROOKS, LLP



John F. Carney
Attorney for Applicant
Reg. No. 20,276

JFC/nrp
Atty. Docket No. **991074A**
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



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